

YEAS.			
Blassingame,	Ford,	Lair,	Shannon.
Brown,	Gooch,	Ledbetter,	Storey,
Buchanan,	Grace,	Martin,	Street,
Burnett,	Guy,	McCulloch,	Terrell,
Davenport,	Hobby,	Ripetoe,	Tilson - 22.
Edwards,	Houston,		

NAYS—none

Not voting—Burton, Lane, Moore, Patton, Stewart, Swain.

Bill read third time and passed by the following vote:

YEAS.			
Blassingame,	Gooch.	Ledbetter.	Stewart.
Brown,	Grace,	Martin,	Storey,
Buchanan,	Guy,	McCulloch.	Street.
Burnett,	Hobby.	Moore,	Swain.
Davenport,	Houston.	Ripetoe.	Terrell,
Edwards,	Lair,	Shannon.	Tilson—26.
Ford,	Lane,		

NAYS—Patton.

Not voting—Burton.

Senator Brown, chairman of the committee on engrossed bills, submitted the following report :

COMMITTEE ROOM, AUSTIN, June 30, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills herewith report to the Senate the following bills correctly engrossed, viz :

Senate bill No. 40, entitled "An act to establish a state board of health, and to prescribe its powers and duties ;"

Senate bill No. 42, entitled "An act to amend article 3962, chapter 10, title 79, of the Revised Statutes ;"

Substitute Senate bill No. 59, entitled "An act to exempt from taxation horse-racing when run over four hundred and forty yards ;"

Substitute Senate bill No. 32, entitled "An act to provide for the assessment of sleeping, dining-room, palace or parlor cars used upon the railroads of this state, and to prescribe the method for levying and collecting the tax hereby imposed upon the same, and to repeal all former laws in conflict therewith."

BROWN, *Chairman.*

On motion of Senator Blassingame, the Senate adjourned until 9 o'clock A. M. to-morrow.

NINETEENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, July 1, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Moore, the reading of the journals of yesterday was dispensed with and the same adopted.

A message was received from the House announcing the passage by that body of the following bills, to wit:

House bill No. 74, entitled "An act to amend article 4652, chapter 5 of title 93 of the Revised Civil Statutes;"

House bill No. 49, entitled "An act to amend article 1136, chapter 1, title 28 of the Revised Civil Statutes, adopted February 21, 1879," and

House bill No. 29, entitled "An act amendatory of an act to amend section 46 of 'an act to encourage stockraising and for the protection of stockraisers, approved August 23, 1876,' approved April 22, 1879."

The bills just reported from the House were taken up and referred to the proper committees, to wit: House bill No. 74, to the committee on stock and stockraising; House bill No. 49, to judiciary committee No. 2; House bill No. 29, to committee on stock and stockraising.

Senator Stewart, chairman of judiciary committee No. 1, submitted the following reports:

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 2 have considered Senate bill No. 67, entitled "An act to amend chapter 3, title 15 of the Code of Criminal Procedure of the State of Texas, passed at the first session of the Sixteenth Legislature, in the year 1879, by creating articles 1075 and 1076 thereof, relating to costs paid by counties," and I am instructed by the committee to report said bill back to the Senate, and to recommend its passage.

STEWART, *Chairman.*

Bill read first time.

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 2 have considered House bill No. 41, entitled "An act to provide for the transfer of judgments rendered in the county courts when the civil and criminal jurisdiction, or either, has been transferred to the district courts and to authorize the enforcement thereof," and I am instructed by said committee to report said bill back to the Senate, and to recommend that it do pass.

STEWART, *Chairman.*

Bill read first time.

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 2 have considered Senate bill No. 68, entitled "An act to amend article 1333 of the Revised Civil Statutes of the State of Texas, passed at the regular session of the Sixteenth Legislature, as amended by the act amendatory thereof, approved April 19, 1879," and am instructed by said committee to report said bill back to the Senate, and to recommend its passage.

STEWART, *Chairman.*

Bill read first time.

Senator Terrell, chairman of judiciary committee No. 1, submitted the following reports:

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 1, to whom was referred Senate bill No. 66, "An act to diminish the civil and criminal jurisdiction of the county court of Limestone county, and conform the jurisdiction of the district court of said county to such change," have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TERRELL, *Chairman.*

Bill read first time.

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 1, to whom was referred Senate bill No. 73, "An act to amend section 1 of 'an act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state, and to conform the jurisdiction of the district courts of said counties to such change, approved March 27, 1879,' so that Brown county shall not be included in or affected by said act," have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass. *TERRELL, Chairman.*

Bill read first time.

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 1, to whom was referred the resignation of Hon. E. R. Lane, "as one of the committee on land frauds, appointed under and by virtue of a joint resolution of the regular session of the Sixteenth Legislature, approved April 26, 1879, and to inquire into the power of the president of the Senate to accept said resignation, and appoint another," have had the same under consideration, and I am instructed by the said committee to report that they deem that the president of the Senate has full power and authority to accept said resignation, and to fill the vacancy thus made by making a new appointment if directed by the Senate. *TERRELL, Chairman.*

Report of committee adopted and resignation of Senator Lane accepted by the Senate.

Senator Ledbetter, chairman of the committee on education, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 27, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on education, to whom was referred Senate bill No. 22, introduced by Senator Moore, entitled "An act to amend section 8 of an act regulating the government of the Agricultural and Mechanical College of Texas," have considered the same, and instruct me to report that through some accident the original bill has been mislaid, but the same was carefully considered, and the accompanying bill, which embodies substantially its provisions, is reported back with the recommendation that it do pass. *LEDBETTER, Chairman.*

Bill read first time.

Senator Guy, chairman of committee on general land office, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 30, 1879.

Hon. J. D. Sayers President of the Senate:

Your committee on general land office, to whom was referred House bill No. 42, entitled "An act to validate the titles to land reserved from location or patent at the time titles issued thereto," have considered the same, and I am instructed by a majority of said committee to report said bill back with accompanying amendments, and to recommend its passage as amended. *GUY, Chairman.*

First amendment—Amend by striking out section 1 and inserting:
"SECTION 1. *Be it enacted by the Legislature of the State of Texas,*
That all locations, surveys and patents heretofore made or issued by

virtue of any genuine land certificate, or scrip, bounty warrant, or pre-emption, on land situated within any reservation in this state, at a time when such reservation was existing, but which has at any time heretofore expired, or become forfeited or annulled, so that it was subject to location, are hereby validated and declared to be as valid and binding as if such land had been subject to location and survey, at the time such location or survey was made.

"Sec. 3. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended."

Bill read first time.

Senator Hobby, chairman of committee on rules, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 27, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on revision of the rules have instructed me to report the following rules in lieu of sundry resolutions referred to the committee:

Resolved, That the words "five senators," in rule 96, be stricken out, and the words "a majority of the senators voting" be substituted therefor.

Resolved, second, That the ninth sub-division of rule 65 be amended by adding the following: "except an amendment, to strike out the emergency clause where the bill has not received a two-thirds vote. In which case a majority, at any stage of the bill, may so amend it as to strike out the emergency clause."

HOBBY, *Chairman.*

Lies over under the rules.

Senator Ford, chairman of the committee on Indian affairs and frontier protection, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

The committee on Indian affairs and frontier protection, to whom was referred House bill No. 17, "Providing to equalize the pay of all military or police companies called into the service of the state," have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, and to recommend its passage.

FORD, *Chairman.*

Bill read first time.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, June 30, 1879. }

To the honorable Senate and House of Representatives, in the Legislature assembled:

I respectfully ask of your honorable bodies an amendment of the law regulating the penitentiaries in such matters as may be deemed proper, and especially so as to enable the appointment of one or more additional assistant superintendents of the penitentiary. The present law requires the assistant superintendent to visit and inspect the camps of convicts at least once in each month. They are scattered from northeastern to southwestern Texas, and in such numbers as that it is simply impossible for him to do it and do his duty as required by law. The contract with the lessees provides for the payment of three commissioners out of the proceeds of the hire of the convicts, whose salary formerly was two

thousand dollars each. This is a service imperiously demanded by humanity. The labor of the convicts pays for it and the convicts are entitled to it.

The reports made to me by Col. W. W. Lang, former assistant superintendent, show that one person cannot perform this duty; that a mere visit to the camps with a formal inspection is useless; that the convicts are afraid to report any wrong done them by the guards or the employes, and that cruel and unauthorized punishments are inflicted with impunity. Humanity would require that every convict that is not inured to outdoor hard labor should be worked inside of the walls of the penitentiary as soon as possible. To put a man or boy, who is not used to work, in a wood-chopping camp and require him to do a good day's work in the heat of summer and in the cold of winter is simply to kill him, without an accident, as is well attested by their graveyards. Still, the lessees cannot be expected to feed and clothe them without their working at something that will make profit where they are able to work.

I respectfully call your attention again to the necessity of a law declaring what buildings shall be erected within the walls of the East Texas Penitentiary, at Rusk, so that by the meeting of the next session of the Legislature, most, if not all of the convicts may be placed within the walls of the two penitentiaries at Huntsville and Rusk.

The present mode of employing the convicts, while it may be no great punishment to some, who are used to hard labor, and happen to be well treated, is to others a horrible bondage, which should be put an end to as soon as practicable, and in the meantime I trust I may be excused for again urging that some of the money they make may be spent in the employment of a sufficient number of assistant superintendents, who can and will see that they are protected from undue labor, from undue exposure to heat and cold and other causes of suffering, and from the wilful and unwarranted outrages committed by guards. It is but justice to say that I have heard of no culpable conduct on the part of the lessees in the treatment of the convicts, and would submit the consideration in reference to them, that they must employ guards to keep the convicts who cannot always be under their immediate supervision when scattered in camps over the country, and, however, they may endeavor to prevent it, irregularities will happen in the management of the convicts so situated, all of which but shows more strongly the necessity of a constant supervision of these camps by officers employed by the state.

Another subject that is respectfully submitted for your consideration and action, is the passage of a law regulating the proceeding by *quo warranto*. The writ exists here by common law, but the mode of proceeding under it should be defined so as to adapt it to our mode of judicial procedure as it is done in many of the states.

Another subject is an amendment of the law so as to collect rents off of those that enclose school lands and public lands of any sort under the control of the state.

Another subject is the passage of a law, should the Legislature think proper, to give the Agricultural and Mechanical College the use of such duplicates of specimens in the geological collection now in the state library as can be spared therefrom without injury to the collection. It is hardly necessary to state any reason for the propriety of this, as it is obvious that they might be made useful at the college, and if carefully selected would not injure the collection.

O. M. ROBERTS, Governor.

The following is a resolution adopted by the board of the Agricultural and Mechanical College:

Resolved, That his excellency Governor Roberts be respectfully requested to submit to the present called session of the Legislature for their action in the matter of the passage of a law or resolution authorizing the state librarian to turn over to the Agricultural and Mechanical College of Texas in all cases where there are one or more like specimens of minerals, etc., pertaining to the geological department in said library one of such specimens, an inventory of all specimens turned over to said college, to be taken and retained by said librarian.

Senator Houston offered the following joint resolution:

JOINT RESOLUTION.

SECTION 1. *Be it resolved by the Legislature of the State of Texas*, That one-half of the clerical force in the comptroller's office in the treasurer's office may be females, and the comptroller, treasurer and commissioner of the general land office are hereby instructed to employ females to perform the duties of one-half of the clerical force allowed by law in their respective offices, if competent female clerks can be procured.

SEC. 2. The limited period which remains of the present session of the Legislature, and the importance of this resolution, creates an imperative public necessity for the suspension of the rules and the immediate passage of this resolution, and an emergency that it take effect and be in force from and after its passage.

Referred to committee on state affairs.

Senator Martin introduced a bill entitled "An act to regulate the practice of medicine, surgery and pharmacy, and to repeal the former act on this subject.

Referred to committee on statistics of industry, public health, etc.

Senator Storey introduced a bill entitled "An act to prescribe the remedy and regulate the proceedings by *quo warranto*, and confer the jurisdiction in certain cases upon the district court of Travis county.

Referred to judiciary committee No. 1.

Senator Burnett introduced a bill entitled "An act supplementary to an act entitled an act to provide for the organization of the state penitentiaries, and to regulate the management of the convicts therein," approved March 24, 1879.

Referred to the committee on penitentiaries.

On motion of Senator Houston, Senator Motley was excused for the day.

Senator Grace, chairman of the committee on enrolled bills, submitted the following report :

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate :

Your committee on enrolled bills have examined and find correctly enrolled and properly signed substitute Senate bill No. 5, "An act defining and prescribing what funds shall constitute the available school fund and repealing all laws in conflict therewith," and at 9:10 o'clock A. M., presented the same to the governor for his signature.

GRACE, *Chairman.*

The resolution of Senator McCulloch offered yesterday "requiring a special committee to be appointed to select such matter as is most necessary to be passed by the Legislature of the different subjects submitted

by the governor for their action and report them to the Legislature on the second of July," etc., was read, considered and lost.

Senate bill No. 40, entitled "An act to create a state board of health and prescribe its powers and duties," was taken up as unfinished business and read third time.

During its consideration, the hour for the special order having arrived, Senator McCulloch moved to postpone the special order fifteen minutes or until the pending bill was disposed of.

Carried.

Senator Lair offered the following amendment:

"Strike out that portion of the bill that has reference to the habitual use of tobacco in section 2."

Lost by the following vote:

YEAS.			
Blassingame,	Guy,	Moore,	Terrell,
Burnett,	Lair,	Street,	Tilson—10.
Gooch,	McCulloch.		
NAYS.			
Brown,	Grace,	Ledbetter,	Shannon,
Burton,	Hobby,	Martin,	Stewart,
Edwards,	Houston,	Patton,	Storey,
Ford,	Lane,	Ripetoe,	Swain—16.

Not voting—Buchanan, Davenport.

Senator Brown offered the following amendment:

Amend by striking out all after the word "board" in line fourteen.

Lost by the following vote:

YEAS.			
Brown,	Edwards,	Guy,	Patton,
Burnett,	Gooch,	Hobby,	Stewart,
Burton,	Grace,	Houston,	Street—12.
NAYS.			
Blassingame,	Lair,	McCulloch,	Terrell,
Buchanan,	Ledbetter,	Moore,	Tilson—11.
Ford,	Martin,	Storey,	

Not voting—Davenport, Lane, Ripetoe, Shannon, Swain.

Senator Brown also offered the following amendment:

Amend by striking out the word "suppress," in line 19, section 2, and insert "may recommend the suppression of."

Adopted by the following vote:

YEAS.			
Brown,	Gooch,	Martin,	Stewart,
Buchanan,	Grace,	McCulloch,	Storey,
Burnett,	Guy,	Moore,	Street,
Burton,	Hobby,	Patton,	Terrell,
Davenport,	Houston,	Ripetoe.	Tilson--22.
Edwards,	Lair,		

NAYS.

Ford,

Ledbetter—2.

Not voting—Blassingame, Lane, Shannon, Swain.

Senator Terrell offered the following:

Amend by inserting "two" where "six" occurs in line five, section 1, and striking out lines six, seven, eight, nine, ten, eleven and twelve in section 1."

Adopted by the following vote:

YEAS.

Brown,	Ford,	Martin,	Stewart,
Buchanan,	Grace,	McCulloch,	Storey,
Burnett,	Guy,	Moore,	Street,
Burton,	Hobby,	Patton,	Terrell,
Davenport,	Houston,	Ripetoe,	Tilson—22.
Edwards,	Lair,		

NAYS—none.

Not voting—Blassingame, Gooch, Lane, Ledbetter, Shannon, Swain.

Senator Brown offered the following amendment:

Amend by striking out “\$500” in the first line of section 8 and inserting “\$1000.”

Lost by the following vote:

YEAS.

Brown,	Ford,	McCulloch,	Street—5.
Edwards,			

NAYS.

Buchanan,	Grace.	Martin,	Shannon,
Burnett,	Guy,	Moore,	Stewart,
Burton,	Hobby,	Patton,	Storey,
Davenport,	Houston,	Ripetoe,	Tilson—18.
Gooch,	Lair,		

Not voting—Blassingame, Lane, Ledbetter, Swain, Terrell.

Bill passed by the following vote:

YEAS.

Brown,	Ford,	Martin,	Storey,
Buchanan,	Gooch,	McCulloch,	Street,
Burnett,	Hobby,	Moore,	Terrell,
Davenport,	Lair,	Ripetoe,	Tilson—16.

NAYS.

Burton,	Guy,	Lane,	Patton,
Edwards,	Houston,	Ledbetter,	Shannon—9.
Grace,			

Not voting—Blassingame, Stewart, Swain.

(Senator Gooch in the chair.)

Senator Ford (by leave) introduced a bill entitled “An act to attach the unorganized county of La Salle to the county of McMullin for surveying purposes.

Referred to committee on counties and county boundaries.

The special order being Senate bill No. 17, entitled “An act to establish the court of errors and to provide for the relief of the supreme court and court of appeals from too great an accumulation of business,” was taken up, read second time and substitute of the committee adopted.

Senator Street offered the following amendment:

Amend by striking out the word “three,” fourth line, first page, and insert in lieu thereof “two.”

Adopted.

Senator Hobby offered the following amendment:

Page 3, section 8, line twenty-two, after words “supreme court,” insert “nor the court of appeals.”

Adopted.

Senator Street offered the following amendment:

Amend by inserting between the words “and” and “shall make,” in line nineteen, page 3, the words “said courts.”

Adopted.

Senator Burnett offered the following amendment:

Section 1, add the following: "*provided*, that the commission shall be abolished by proclamation of the governor, in case all the civil cases submitted to it shall have been determined before the expiration of two years."

Lost.

Senator Guy offered the following amendment:

Amend by striking out all of section 2 after the word "appeals," in line ten, and insert in lieu thereof the words, "that may be submitted to it by either of said courts for award."

Lost by the following vote:

YEAS.			
Blossingame,	Davenport,	Guy,	Shannon,
Brown,	Ford,	Houston.	Stewart--11.
Burton,	Grace,	Patton,	
NAYS.			
Buchanan,	Hobby,	Martin,	Street.
Burnett,	Lair,	McCulloch,	Terrell,
Edwards,	Lane,	Storey.	Tilson--14.
Gooch,	Ledbetter,		

Not voting—Moore, Ripetoe, Swain.

The bill was then ordered engrossed.

On motion of Senator Street, the rules were suspended to place the bill on its third reading by the following vote:

YEAS.			
Blossingame,	Ford,	Lane,	Stewart.
Brown,	Gooch,	Ledbetter,	Storey,
Buchanan,	Guy,	Martin,	Street,
Burnett,	Hobby,	McCulloch,	Terrell,
Davenport,	Houston,	Patton,	Tilson--23.
Edwards,	Lair,	Shannon,	
NAYS.			
	Burton,		Grace--2.

Not voting—Moore, Ripetoe, Swain.

The bill was then read third time.

(The president in the chair.)

Senator Patton offered the following amendment:

"*Provided*, that if, after the commission has made one circuit of the courts, the accumulated business of the supreme and appellate courts be dispatched, or so soon thereafter as the said accumulated business is disposed of, the governor shall, by proclamation, declare the offices of said commissioners vacant, and their terms of office shall forthwith terminate."

Lost by the following vote:

YEAS.			
Buchanan,	Edwards.	Martin,	Patton,
Burnett,	Guy,	McCulloch.	Shannon.
Burton,	Hobby,	Moore.	Tilson--14.
Davenport,	Lair,		
NAYS.			
Blossingame,	Gooch.	Storey	Swain,
Brown.	Ledbetter,	Street,	Terrell--9.
Ford,			

Not voting—Grace, Houston, Lane, Ripetoe, Stewart.

The bill was then passed by the following vote:

YEAS.

Blassingame,	Ford,	Ledbetter,	Shannon,
Brown,	Gooch,	Martin,	Storey,
Buchanan,	Guy,	McCulloch,	Street,
Burnett,	Hobby,	Moore,	Terrell,
Davenport,	Houston,	Patton,	Tilson—22.
Edwards,	Lair,		

NAYS—Swain.

Not voting—Burton, Grace, Lane, Ripetoe, Stewart.

The president, after publicly reading its caption, signed House bill No. 15, entitled "An act to amend the ninth section of 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,' approved February 22, 1879."

Senator Terrell entered a motion to reconsider the vote by which Senate bill No. 40 was passed.

House bill No. 6, entitled "An act to amend an 'act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary,' approved April 22, 1879," was taken up and read second time.

Senator Houston offered the following amendment:

Strike out "twenty-one days" where it occurs and insert the words "seven days after the court adjourns."

Adopted, and the bill passed to a third reading.

On motion of Senator Houston, the rule was suspended to place the bill on its third reading by the following vote:

YEAS.

Blassingame,	Gooch,	Lane,	Stewart,
Brown,	Guy,	Martin,	Storey,
Burnett,	Hobby,	Moore,	Street,
Davenport,	Houston,	Patton,	Terrell,
Edwards,	Lair,	Ripetoe,	Tilson—20.

NAYS—Ledbetter.

Not voting—Buchanan, Burton, Ford, Grace, McCulloch, Shannon, Swain.

The bill was then read third time and passed by the following vote:

YEAS.

Blassingame,	Ford,	Lane,	Shannon,
Brown,	Gooch,	Ledbetter,	Stewart,
Buchanan,	Grace,	Martin,	Street,
Burnett,	Guy,	McCulloch,	Swain,
Burton,	Hobby,	Moore,	Terrell,
Davenport,	Houston,	Patton,	Tilson—27.
Edwards,	Lair,	Ripetoe,	

NAYS—Storey.

A message was received from the House announcing the passage by that body of substitute House bill No. 71, entitled "An act amending article 896, chapter 1, title 11 of the Code of Criminal Procedure, approved April 24, 1879."

On motion of Senator Martin, the rule was suspended to take up Senate bill No. 66, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Limestone county, and conform the juris-

disction of the district court of said county to such change," by the following vote:

YEAS.

Blassingame,	Ford,	Ledbetter,	Stewart,
Brown,	Gooch,	Martin,	Storey,
Buchanan,	Guy,	McCulloch,	Street,
Burnett,	Hobby,	Moore,	Swain,
Burton,	Houston,	Ripetoe,	Terrell,
Davenport,	Lair,	Shannon,	Tilson—26.
Edwards,	Lane,		

NAYS—none.

Not voting—Grace, Patton.

The bill was read second time and ordered engrossed.

On motion of Senator Martin, the rule was further suspended to place the bill on its third reading by the following vote:

YEAS.

Blassingame,	Ford,	Ledbetter,	Stewart,
Brown,	Gooch,	Martin,	Storey,
Buchanan,	Guy,	McCulloch,	Street,
Burnett,	Hobby,	Moore,	Swain,
Burton,	Houston,	Ripetoe,	Terrell,
Davenport,	Lair,	Shannon,	Tilson—26.
Edwards,	Lane,		

NAYS—none.

Not voting—Grace, Patton.

The bill was read third time and passed by the following vote:

YEAS.

Blassingame,	Ford,	Ledbetter,	Stewart,
Brown,	Gooch,	Martin,	Storey,
Buchanan,	Guy,	McCulloch,	Street,
Burnett,	Hobby,	Moore,	Swain,
Burton,	Houston,	Ripetoe,	Terrell,
Davenport,	Lair,	Shannon,	Tilson—26.
Edwards,	Lane,		

NAYS—none.

Not voting—Grace, Patton.

The president took up House bill No. 71 from the table and referred same to judiciary committee No. 1.

Senator Edwards, for judiciary committee No. 1, submitted the following report and resolution:

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 1, to whom was referred the resolution to instruct the secretary of the Senate not to furnish the public printer with the Senate journals, and Senate bill No. 36, "An act to amend section 7 of 'an act to provide for the public printing, binding and stationery by contract,'" approved June 24, 1876, have investigated the same, and find that under the law the contractor for printing of first-class is required to do the printing and binding of the journals of each session, and said contract being now in force, your committee are of the opinion that said journals should be forwarded to the said printer upon his demand, after having had same printed daily for the use of the Senate. Your committee are aware that Mr. Swindells, the contractor, now printing our journals daily in the *Legislative Record*, has, under his contract, reserved five hundred copies of the daily journals to be bound at the end

of the session, and that he has gone to considerable expense to comply with his contract, and they therefore recommend that the said extra copies be distributed each day to the Senate, instead of being reserved for binding at the end of the session.

Your committee think that each Legislature should control the printing and binding and form of the journals as a part of its current printing; and as it is desirable that contracts for printing made in the future shall not prevent each House of the Legislature from controlling entirely the printing of its journals, your committee report the accompanying bill as a substitute for Senate bill No. 36, with the recommendation that it pass. Your committee also report the accompanying resolution instructing the secretary of the Senate to deliver the journals according to the contract with the public printer and ask its passage.

EDWARDS, *for Committee.*

Resolved, That the secretary of the Senate be instructed to deliver to the party contracting to print and bind the Senate journals, a correct copy of the Senate journals, on demand, after the same shall have been printed for the use of the Senate.

Resolved further, That the extra five hundred copies of the journals, heretofore printed in the *Record* by E. W. Swindells, be distributed among the senators, and that hereafter the Senate take the extra five hundred copies of said *Record*, to be distributed in the same manner as the five hundred copies heretofore distributed.

The bill just reported from judiciary committee No. 1, substitute for Senate bill No. 36, entitled "An act to amend title 80 (public printing) of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879, by adding an additional article to be styled 4019a," was taken up and read first time.

The resolution reported from the same committee relative to the journals of the Senate was then adopted.

Senator Martin (by leave) introduced a bill to be entitled "An act to amend article 4570 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature," which was referred to the committee on stock and stockraising.

On motion of Senator Gooch, Senator Houston was excused until 9 o'clock to-morrow morning.

On motion of Senator Storey, the Senate adjourned until 8:30 o'clock to-night.

NIGHT SESSION.

The Senate met pursuant to adjournment; president in the chair. Roll called; quorum present.

House bill No. 23, entitled "An act to enforce the collection of delinquent taxes," was taken up, read second time and passed to a third reading.

House bill No. 27, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Upshur, Erath, Comanche, Eastland, Palo Pinto, Stephens, Shackelford, Throckmorton, Taylor, Callahan and Panola counties, and conform the jurisdiction of the district courts of said counties to such change," was taken up and read second time.

Senator Tilson offered the following amendment:

Amend caption of the bill by inserting after the word "Panola," the words "Cass and Bowie."

Section 1, line four, amend by inserting after the word "Panola," the words "Cass and Bowie."

Adopted.

Senator Davenport offered the following:

Strike out "Shackelford."

Adopted.

Senator Tilson offered the following:

Insert instead of "from and after," the words "thirty days."

Adopted.

Senator Swain offered the following:

Amend caption and section 1 by inserting "Red River county."

Adopted.

Also the following:

Add to section 3: "*provided*, the change of civil jurisdiction provided for in this act shall not apply to Red River county."

Adopted and bill passed to third reading.

House bill No. 30, entitled "An act to postpone the time for the forced collection of taxes by levy and sale until the thirty-first day of October, A. D. 1879, in each county or counties in this state, as had no legal collector of taxes for twelve months prior to the first day of March, A. D. 1879," was taken up, read second time and passed to a third reading.

Senator Edwards moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS.			
Blossingame,	Gooch,	Ledbetter,	Ripetoe,
Brown,	Grace,	Martin,	Shannon,
Buchanan,	Guy,	McCulloch,	Stewart,
Burnett,	Hobby,	Moore,	Storey,
Davenport,	Lair,	Motley,	Street,
Edwards,	Lane,	Patton,	Tilson—25.
Ford,			

NAYS—none.

Not voting—Burton, Houston, Swain, Terrell.

Bill read third time and passed by the following vote:

YEAS.			
Blossingame,	Gooch,	Martin,	Shannon,
Brown,	Grace,	McCulloch,	Stewart,
Buchanan,	Guy,	Moore,	Storey,
Burnett,	Hobby,	Motley,	Street,
Davenport,	Lair,	Patton,	Swain,
Edwards,	Lane,	Ripetoe,	Tilson—26.
Ford,	Ledbetter,		

NAYS—none.

Not voting—Burton, Houston, Terrell.

Senator Storey (by leave) submitted the following reports:

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on finance, to whom was referred House bill No. 20, entitled "An act to repeal an act to amend article 4759 of the Revised Civil Statutes of the State of Texas, adopted on the day of February

1879, approved April 22, 1879," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the accompanying substitute, and to recommend the passage of the substitute.

STOREY, *Chairman*.

Bill read first time, and, on motion of Senator Storey, 100 copies were ordered printed.

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on finance, to whom was referred House bill No. 33, entitled "An act to better provide for and facilitate the collection of all judgments in favor of the state, or any county thereof," have duly considered the same, and I am instructed by the committee to report the bill back to the Senate, and to recommend its passage.

STOREY, *Chairman*.

Bill read first time.

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on finance have had under consideration Senate bill No. 69, a bill to be entitled "An act making appropriations for certain deficiencies beginning January 1, 1875, and ending February 28, 1879, and for previous years," and I am instructed to report the bill to the Senate with the recommendation that it do pass.

STOREY, *Chairman*.

Bill read first time.

Senator Brown, chairman of the committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have examined and herewith report correctly engrossed the following bills, viz:

Senate bill No. 16, entitled "An act to provide for the resumption of the state penitentiary;"

Senate bill No. 19, entitled "An act to amend articles 4746, 4747 and 4748 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the session of the Sixteenth Legislature;"

Senate bill No. 33, entitled "An act to amend the first section of an act entitled 'an act authorizing the payment of taxes of non-residents of counties to be made at the comptroller's office,' approved March 22, 1879;"

Senate bill No. 47, entitled "An act prescribing the times of holding the district courts in the twelfth judicial district;"

Senate bill No. 62, entitled "An act to provide for the sale of lands that heretofore have or that may hereafter escheat to the state;"

Senate bill No. 71, substitute No. 1 for Senate bill No. 65, entitled "An act to amend section 22 of an act entitled 'an act to adopt and establish the Revised Civil Statutes,' passed February 21, 1879;"

Senate bill No. 72, substitute No. 2 for Senate bill No. 65, entitled "An act to amend section 4 of 'an act to adopt and establish the Penal Code and Code of Criminal Procedure,' passed February 21, 1879;"

Senate bill No. 12, entitled "An act making provision for the return to the comptroller's office before the meeting of each regular session of

the Legislature of all sheriffs', attorneys', or other valid claims against the state for which warrants may not have been issued, so that correct estimates may be made of any deficiencies in the appropriations and to provide against the issuance of 'O K' certificates."

BROWN, *Chairman*.

Senator Gooch, from committee on state affairs, submitted the following reports:

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on state affairs, to whom was referred Senate bill No. 14, "An act providing for the sale of the asylum, university and public free school lands of the State of Texas," have had the same under consideration, and I am instructed to report it back to the Senate and to recommend that it do not pass, as the requirements of this bill are fully met in Senate bill No. 23, entitled "An act to provide for the sale of alternate sections of land set apart and appropriated for the support of public schools."

GOOCH, *for Committee*.

COMMITTEE ROOM, AUSTIN, July 1, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on state affairs, to whom was referred Senate bill No. 23, "An act to provide for the sale of alternate sections of land set apart and appropriated for the support of the public schools," have carefully considered the same, and I am instructed to report it back to the Senate with the following amendments, and to ask its passage as amended.

GOOCH, *for Committee*.

Amendments:

1. Change the caption so as to read, "An act providing for the sale of the asylum, university and public free school lands of the State of Texas."

2. After the word "of" in line three, section 1, insert the words "asylum, university, or." And in the same line and section strike out the words "and constituting the perpetual school fund."

3. In section 3, line fifteen, after the word "county," strike out the words "commissioners (or a majority of them)," and insert the word "surveyor." In line sixteen, same section, strike out the word "their," and insert the word "his"; also in same line and same section, after the word "be," insert the words "examined and approved, or disapproved by the county commissioners court, which court, in case of disapproval, shall fix a value thereto." In line sixteen, same section, after the word "be," strike out the word "made." In line seventeen, same section, after the word "for," strike out the words "within ninety days after the taking effect of this act, or at any time thereafter, when required by the governor," and insert "when required by said board."

4. On page 3, line six section 3, strike out the words "in organized counties." Also on page 3, line eight, section 3, strike out all after the word "lands" down to and including the word "lands" in line ten.

5. In section 5, line twenty-two, strike out the word "commissioners" and insert "surveyors." Also in same section, line twenty-nine, strike out the balance of the section after the word "act," and insert the words "the said board shall keep a record of their proceedings; and said record and all documents relating to the transactions of said board shall be deposited and kept in the land office, and be an archive thereof; and the commissioner

of the land office shall incorporate in his official report an account of the financial transactions of said board."

6. Strike out section 6, and change the other sections to correspond.

7. In section 7, line seven, after the word "board," insert "if deemed advisable by said board."

8. In section 7, after the word "and," in line thirteen, strike out the words "if any such interest shall remain due and unpaid for the space of six months after the maturity thereof, the contract shall, thereupon, be and become void, and all payments made by the purchaser thereon shall be and stand forfeited to the state," and insert the words: "That in all cases the contract of purchase shall specify that the secretary of the board is empowered to sell the land purchased in case an installment of the interest shall be due and unpaid for a period of six months, to the highest bidder for cash, at public outcry at the court house door of Travis county, on twenty days' notice, as under execution; and should no one pay the amount of principal and interest due and unpaid and execute like bond for the deferred payments, then the secretary of the board shall bid said land in for the state, and such sale shall divest any right of the purchaser, and that of any one who might claim under him, whether the purchaser from the state be living or dead."

9. In section 7, line seventeen, strike out the balance of the section after the word "for," and insert the words, "shall be fully invested in the state, or be invested in the purchaser as though no original sale had been made, and, if purchased by the state, shall be subject to sale as other lands."

10. In section 12, line twenty-seven, insert after the word "the" the words "asylum, university and public permanent school fund, respectively," and strike out the balance of the section.

11. In section 13, line eight, strike out all after the words "per annum," down to and including the word "determine," in line ten. Also in line eleven, same section, strike out the word "commissioners," and insert the word "surveyors." In same section, line twelve, strike out all after the word "receive," down to and including the word "appraisement," in line fourteen, and insert the words, "the sum of one dollar per section, in no event to exceed fifty dollars for the appraisement of all the lands in any one county."

Senator Edwards moved to suspend the rules and take up Senate bill No. 58, entitled "An act to provide for the sale, exchange or destruction of useless or injured property belonging to the state."

Carried.

Bill read second time and ordered engrossed.

On motion of Senator Edwards, the rules were suspended to place the bill on its third reading by the following vote:

YEAS.

Blassingame.	Gooch,	Martin.	Shannon,
Brown,	Grace.	McCulloch,	Stewart,
Buchanan,	Guy,	Moore,	Storey,
Burnett,	Hobby,	Motley,	Street,
Davenport,	Lair,	Patton,	Swain,
Edwards,	Lane,	Ripetoe,	Tilson—26.
Ford,	Ledbetter,		

NAYS—none.

Not voting—Burton, Houston, Terrell.

Bill read third time and passed by the following vote:

YEAS.			
Blossingame,	Gooch,	Martin,	Shannon,
Brown,	Grace,	McCulloch,	Stewart,
Buchanan,	Guy,	Moore,	Storey,
Burnett,	Hobby,	Motley,	Street,
Burton,	Lair,	Patton,	Swain,
Davenport,	Lane,	Ripetoe,	Tilson--26.
Edwards,	Ledbetter,		

NAYS—none.

Not voting—Ford, Houston, Terrell.

Senate bill No. 21, entitled "An act to provide for the appointment of a financial agent to act in aid of our members in congress in prosecuting and collecting our claims against the United States," was taken up and read second time.

The committee amendments were lost.

Senator Storey moved to reconsider the vote just taken.

Carried by the following vote:

AYES.			
Blossingame,	Gooch,	Ledbetter,	Ripetoe,
Brown,	Grace,	Martin,	Shannon,
Buchanan,	Guy,	McCulloch,	Stewart,
Burnett,	Hobby,	Moore,	Storey,
Burton,	Lair,	Motley,	Swain,
Edwards,	Lane,	Patton,	Tilson—24.

NAYS.

Davenport,

Street—2.

Not voting—Ford, Houston, Terrell.

The committee amendments were then adopted and the Senate refused to engross the bill by the following vote:

YEAS.			
Buchanan,	Hobby,	McCulloch,	Storey,
Edwards,	Lair,	Moore,	Swain—11.
Guy,	Lane,	Stewart,	

NAYS.

Blossingame,	Davenport,	Martin,	Shannon,
Brown,	Gooch,	Motley,	Street,
Burnett,	Grace,	Patton,	Tilson—15.
Burton,	Ledbetter,	Ripetoe,	

Not voting—Ford, Houston, Terrell.

Senate bill No. 24, entitled "An act to amend 'an act amending article 3720 of the Revised Civil Statutes,' approved April 29, 1879," was taken up and read second time.

Senator Patton moved to further postpone consideration until to-morrow just after the morning call, and make it the special order for that hour and from day to day until disposed of.

Lost by the following vote:

YEAS.			
Brown,	Davenport,	Guy,	Shannon,
Burnett,	Ford,	Patton,	Stewart—11.
Burton,	Grace,	Ripetoe,	

NAYS.

Blossingame,	Hobby,	Martin,	Story,
Buchanan,	Lair,	McCulloch,	Street,
Edwards,	Lane,	Moore,	Swain,
Gooch,	Ledbetter,	Motley,	Tilson—16.

Not voting—Houston, Terrell.

The bill was then engrossed by the following vote:

YEAS.			
Blossingame,	Gooch,	Martin,	Storey,
Brown,	Hobby,	McCulloch,	Street,
Buchanan,	Lair,	Moore,	Swain,
Edwards,	Lane,	Motley,	Tilson—18.
Ford,	Ledbetter,		

NAYS.			
Burnett,	Davenport,	Patton,	Shannon,
Burton,	Guy,	Ripetoe,	Stewart—8.

Not voting—Grace, Houston, Terrell.

Senate bill No. 27, entitled "An act to provide for the time and place of holding the supreme court of the State of Texas," was taken up and read second time.

Senator Hobby moved a call of the Senate.

Call sustained.

Roll called. Absent—Motley, Terrell.

Pending the call the bill went to the table.

Senate bill No. 28, entitled "An act to provide for the time and place of holding the court of appeals of the State of Texas," was taken up and read second time.

Senator Hobby moved a call of the Senate.

Call sustained.

Roll called. Absent—Motley, Terrell.

Pending the call the bill went to the table.

Senate bill No. 35, entitled "An act to require money collected on forfeited bail bonds and recognizances to be paid over to the state in certain cases," was taken up and read second time.

Senator Gooch moved that the adverse report of the committee be adopted, which motion prevailed, and the bill was lost by the following vote:

YEAS.			
Blossingame,	Davenport,	Lane,	Stewart,
Brown,	Ford,	Ledbetter,	Storey,
Burnett,	Gooch,	Martin,	Street,
Burton,	Lair,	Ripetoe,	Tilson - 16.

NAYS.			
Buchanan,	Guy,	Moore,	Shannon,
Edwards,	Hobby,	Motley,	Swain—11.
Grace,	McCulloch,	Patton,	

Not voting—Terrell.

Senator Ford moved that the Senate adjourn until to-morrow morning at 9 o'clock.

Carried by the following vote:

YEAS.			
Blossingame,	Davenport,	Moore,	Shannon,
Brown,	Ford,	Motley,	Stewart,
Burnett,	Guy,	Patton,	Swain,
Burton,	Lair,	Ripetoe,	Tilson—16.

NAYS.			
Buchanan,	Grace,	Ledbetter,	Storey,
Edwards,	Hobby,	Martin,	Street—11.
Gooch,	Lane,	McCulloch,	

The president accordingly declared the Senate adjourned until 9 o'clock to-morrow morning.